

periods of June 1, 2010 through December 31, 2010, calendar years 2011 through 2013, January 1, 2014 through May 31, 2014, and June 1, 2014 through December 31, 2014;

(4) If expecting to participate in the credit trading program, estimates of the number of credits to be generated and/or used each year the program;

(5) Information on project schedule by quarter of known or projected completion date by the stage of the project, for example, following the five project phases described in EPA's June 2002 Highway Diesel Progress Review report (EPA420-R-02-016, <http://www.epa.gov/otaq/regs/hd2007/420r02016.pdf>): Strategic planning, Planning and front-end engineering, Detailed engineering and permitting, Procurement and construction, and Commissioning and startup;

(6) Basic information regarding the selected technology pathway for compliance (e.g., conventional hydrotreating vs. other technologies, revamp vs. grassroots, etc.);

(7) Whether capital commitments have been made or are projected to be made; and

(8) The pre-compliance reports due in 2006 and later years must provide an update of the progress in each of these areas.

(b) Reports under this section may be submitted in conjunction with reports submitted under § 80.594.

(c) The pre-compliance reporting requirements of this section do not apply to refineries subject to the provisions of § 80.513.

[69 FR 39200, June 29, 2004]

§ 80.604 What are the annual reporting requirements for refiners and importers of NRLM diesel fuel?

Beginning with the annual compliance period that begins June 1, 2007, or the first period during which credits are generated, transferred or used, or the first period during which NRLM diesel fuel or heating oil is produced under a small refiner compliance option under this subpart, whichever is earlier, any refiner or importer who produces or imports NRLM diesel fuel must submit annual compliance reports for each refinery and importer facility that contain the following infor-

mation required, and such other information as EPA may require.

(a) *All refiners and importers.* (1) The refiner or importer's company name and the EPA company and facility identification number.

(2) If the refiner is a small refiner, a statement regarding to which small refiner option it is subject.

(b) *Small refiners.* (1) For each refinery of small refiners subject to the provisions of § 80.551(g) and § 80.554(a) for each compliance period from June 1, 2007 through May 31, 2010, report the following:

(i) The total volume of diesel fuel produced and designated as NRLM diesel fuel.

(ii) The volume of diesel fuel produced and designated as NRLM diesel fuel having a sulfur content less than or equal to the 500 ppm sulfur standard under § 80.510(a).

(iii) The total volume of diesel fuel produced and designated as NRLM diesel fuel having a sulfur content greater than the 500 ppm sulfur standard under § 80.510(a).

(iv) The total volume of heating oil produced.

(v) The baseline under § 80.554(a)(1).

(vi) The total volume of diesel fuel produced and designated as NRLM diesel fuel that is exempt from the 500 ppm sulfur standard of § 80.510(a).

(vii) The total volume, if any, of NRLM diesel fuel subject to the 500 ppm sulfur standard § 80.510(a) that had a sulfur content exceeding 500 ppm.

(2) For each refinery of small refiners subject to the provisions of § 80.551(g) and § 80.554(b), for each compliance period between June 1, 2010 and May 31, 2012, report the following:

(i) The total volume of diesel fuel produced and designated as NR diesel fuel.

(ii) The total volume of diesel fuel produced and designated as LM diesel fuel.

(iii) The total volume of diesel fuel produced and designated as NR diesel fuel subject to the 500 ppm sulfur standard under § 80.510(a).

(iv) The total volume of diesel fuel produced and designated as LM diesel fuel subject to the 500 ppm sulfur standard under § 80.510(a).

(v) The volume of diesel fuel produced and designated as NR diesel fuel having a sulfur content of 15 ppm or less.

(vi) The baseline under § 80.554(b)(1).

(vii) The total volume of NRLM diesel fuel produced that is eligible for the sulfur standard under § 80.510(a).

(viii) The total volume, if any, of NRLM diesel fuel subject to the 15 ppm sulfur standard that had a sulfur content in excess of 15 ppm.

(3) For each refinery of small refiners subject to the provisions of § 80.551(g) and § 80.554(b), for each compliance period between June 1, 2012 and May 31, 2014, report the following:

(i) The total volume of diesel fuel produced and designated as NRLM diesel fuel.

(ii) The total volume diesel fuel produced and designated as NRLM diesel fuel subject to the 500 ppm sulfur standard under § 80.510(a).

(iii) The total volume of diesel fuel produced and designated as NRLM diesel fuel having a sulfur content less than or equal to the 15 ppm sulfur standard under § 80.510(c).

(iv) The baseline under § 80.554(b)(1).

(v) The total volume of NRLM diesel fuel produced that is eligible for the 500 ppm sulfur standard under § 80.510(a).

(vi) The total volume, if any, of NRLM diesel fuel subject to the 15 ppm sulfur standard that had a sulfur content in excess of 15 ppm.

(4) For each refinery of a small refiner that elects to produce NRLM diesel fuel subject to the 15 ppm sulfur standard of § 80.510(c) beginning June 1, 2006 under § 80.551(g) and § 80.554(d), for each compliance period report the following:

(i) The total volume of diesel fuel produced and designated as NRLM diesel fuel.

(ii) The total volume of diesel fuel produced and designated as NRLM diesel fuel having a sulfur content less than or equal to 15 ppm.

(iii) The percentages of NRLM diesel fuel produced and designated having a sulfur content less than or equal to 15 ppm under § 80.554(d)(1)(i) and (ii).

(iv) The deficit, if any, and the number of credits purchased, if any, to cover any deficit as provided in § 80.554(d)(3).

(v) A report of the small refiner's progress toward compliance with the gasoline standards under §§ 80.240 and 80.255.

(c) *Credit generation and use.* Information regarding the generation, use, transfer and retirement of credits, separately by refinery and import facility, including the following:

(1) The number of credits at the beginning of the compliance period.

(2) The number of credits generated.

(3) The number of credits used.

(4) If any credits were obtained from or transferred to other refineries or importers, for each other refinery or importer, the name, address, the EPA company identification number, and the number of credits obtained from or transferred to the other party.

(5) The number of credits retired.

(6) The credit balance at the beginning and end of the compliance period.

(d) *Batch reports.* For each batch of NRLM diesel fuel and heating oil (if applicable) produced or imported and delivered during the compliance periods under paragraph (b) of this section, include the following:

(1) The batch volume.

(2) The batch number assigned using the batch numbering conventions under § 80.65(d)(3) and the appropriate designation under § 80.598.

(3) The date of production or import.

(4) For each batch provide the information specified in paragraph (a)(1) of this section.

(5) [Reserved]

(6) Whether the batch was dyed with visible evidence of dye solvent red 164 before leaving the refinery or import facility or was undyed.

(7) Whether the batch was marked with marker solvent yellow 124 before leaving the refinery or import facility or was unmarked.

(e) *Additional reporting requirements for importers.* Importers of NRLM diesel fuel are subject to the following additional requirements:

(1) The reporting requirements under § 80.620, if applicable.

(2) Importers must exclude certified DFR-Diesel from calculations under this section.

(f) *Report submission.* Any report required by this section must be—

(1) On forms and following procedures specified by the Administrator of EPA;

(2) Signed and certified as meeting all the applicable requirements of this subpart by the owner or a responsible corporate officer of the refiner or importer; and

(3) Except for small refiners subject to § 80.554(d), submitted to EPA no later than August 31 each year for the prior annual compliance period. Small refiners subject to the provisions of § 80.554(d), reports must be submitted August 31 for the previous reporting period.

(4) With the exception of reports required under paragraph (b)(3) of this section, no reports will be required under this section after August 31, 2014.

[69 FR 39200, June 29, 2004, as amended at 70 FR 40899, July 15, 2005]

EXEMPTIONS

§ 80.605 [Reserved]

§ 80.606 What national security exemption applies to fuels covered under this subpart?

(a) The standards of all the fuels listed in paragraph (b) of this section do not apply to fuel that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in any of the following:

(1) Tactical military motor vehicles or tactical military nonroad engines, vehicles or equipment, including locomotive and marine, having an EPA national security exemption from the motor vehicle emission standards under 40 CFR 85.1708, or from the nonroad engine emission standards under 40 CFR part 89, 92, 94, 1042, or 1068.

(2) Tactical military motor vehicles or tactical military nonroad engines, vehicles or equipment, including locomotive and marine, that are not subject to a national security exemption from vehicle or engine emissions standards as described in paragraph (a)(1) of this section but, for national security purposes (for purposes of readiness for deployment overseas), need to be fueled on the same fuel as the vehicles, engines, or equipment for which EPA has

granted such a national security exemption.

(b) The exempt fuel must meet any of the following:

(1) The motor vehicle diesel fuel standards of § 80.520(a)(1), (a)(2), and (c).

(2) The nonroad, locomotive, and marine diesel fuel standards of § 80.510(a), (b), and (c).

(3) The 1,000 ppm ECA marine fuel standards of § 80.510(k).

(c) The exempt fuel must meet all the following conditions:

(1) It must be accompanied by product transfer documents as required under § 80.590.

(2) It must be segregated from non-exempt MVNRLM diesel fuel and ECA marine fuel at all points in the distribution system.

(3) It must be dispensed from a fuel pump stand, fueling truck or tank that is labeled with the appropriate designation of the fuel, such as “JP-5” or “JP-8”.

(4) It may not be used in any motor vehicles or nonroad engines, equipment or vehicles, including locomotive and marine, other than the vehicles, engines, and equipment referred to in paragraph (a) of this section.

[69 FR 39201, June 29, 2004, as amended at 75 FR 22975, Apr. 30, 2010]

§ 80.607 What are the requirements for obtaining an exemption for diesel fuel or ECA marine fuel used for research, development or testing purposes?

(a) *Written request for a research and development exemption.* Any person may receive an exemption from the provisions of this subpart for diesel fuel or ECA marine fuel used for research, development, or testing purposes by submitting the information listed in paragraph (c) of this section to: Director, Transportation and Regional Programs Division (6406J), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (postal mail); or Director, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 1310 L Street, NW., 6th floor, Washington, DC 20005 (express mail/courier); and Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, Ariel Rios